Remarks/Arguments

Claims 1-13 and 18-23 are pending in this application, and are rejected in the Office Action of December 9, 2008. Claims 1-13 and 18-23 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention.

Re: Rejection of Claims 22 and 23 under 35 U.S.C. §112, First Paragraph

Claims 22 and 23 are rejected under 35 U.S.C. §112, first paragraph, as being single means claims. In response, claims 22 and 23 are amended herein to rectify this matter. In view of these amendments, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claims 8-13 under 35 U.S.C. §112, Second Paragraph

Claims 8-13 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Examiner alleges:

> "... claim 8 claims the readout beam to be shorter than the pits arranged [sic, on] the optical recording medium, however in later dependent claims 11 and 13, Applicant claims the readout beam to be longer than the pits. Therefore, claims 8-13 contradict each other and are indefinite to limiting the metes and bounds of the invention."

In response, Applicants note that claim 8 clearly states that the pits "near the bit cell signal transitions" are long compared with a diameter of a readout spot. In contrast, claims 11 and 13 each refer to pits "within the bit cell" (i.e., distanced from the bit cell signal transitions). Accordingly, the phrase "within the bit cell" in claims 11 and 13 is amended herein to "distanced from the bit cell signal transitions" for better clarity. In view of these amendments, claims 8-13 are deemed clear and definite, and withdrawal of the rejection is respectfully requested.

Re: Rejection of Claims 1-13 and 18-23 under 35 U.S.C. §103(a)

Claims 1-13 and 18-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,513,161 issued to Horimai et al. (hereinafter, "Horimai") in view of U.S. Patent No. 4,410,877 issued to Carasso et al. (hereinafter, "Carasso"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 1, as amended herein, recites:

> "A method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands, wherein the pits and lands are placed out of a center of a track of the prerecorded area and the data is encoded by transitions of the pits and lands from one side of the track center to another side of the track center, and the pits and lands are arranged adjacent to bit cell signal transitions in a predefined manner." (emphasis added)

As indicated above, amended independent claim 1 recites a method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands. The pits and lands are placed out of a center of a track of the prerecorded area and the data is encoded by transitions of the pits and lands from one side of the track center to another side of the track center. Moreover, the pits and lands are arranged adjacent to bit cell signal transitions in a predefined manner. Independent claims 21-23 are also amended herein to recite subject matter similar to independent claim 1.

Neither Horimai nor Carasso, whether taken individually or in combination, discloses or suggests all of the elements recited by independent claims 1 and 21-23. On page 3 of the Office Action dated December 9, 2008, the Examiner admits that the primary reference, Horimai, fails to disclose all of the elements of claim 1. In particular, the Examiner admits:

> "Horimai et al. fail to teach a method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands and including the step of arranging the pits and lands adjacent to bit cell signal transitions in a predefined manner."

Applicant agrees that Horimai is deficient in the aforementioned manner, and further notes that Horimai also fails to disclose or suggest, *inter alia*, that "data is encoded by transitions of the pits and lands from one side of the track center to another side of the track center" as now recited by amended independent claims 1 and 21-23.

The secondary reference, Carasso, fails to remedy each of the deficiencies of Horimai. In particular, Carasso teaches that data is encoded by the transitions between pits and lands. That is, according to Carasso, each change from a pit to a land (and vice-versa) is a bit cell signal transition. Therefore, it is not necessary to arrange the pits and lands adjacent to bit cell signal transitions in any predefined manner, as in all cases a pair of one pit and one land constitutes the transition. As such, Carasso clearly does not disclose or suggest, *inter alia*, that "data is encoded by transitions of the pits and lands from one side of the track center to another side of the track center" as now recited by amended independent claims 1 and 21-23.

Accordingly, neither Horimai nor Carasso, whether taken individually or in combination, discloses or suggests, *inter alia*, at least one notable element of the claimed invention, namely, that "data is encoded by transitions of the pits and lands from one side of the track center to another side of the track center" as now recited by amended independent claims 1 and 21-23. As such, claims 1-13 and 18-23 are deemed non-obvious over the proposed combination of Horimai and Carasso, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

Hartmut Richter, et al.

/Reitseng Lin/
By: Reitseng Lin
Reg. No. 42,804
Phone (609) 734-6813

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08540
March 5, 2009